

REMARKS

Applicants appreciate the courtesies extended by Examiner David Kruse, during telephone interviews with Applicants' representative on June 14 and 28, 2002.

In the Advisory Action, Examiner Kruse noted that the Applicants have not complied with 35 U.S.C. § 121. Applicants herewith submit a clean copy of the thrice amended claim 12 that incorporates the modifications of the marked-up copy of the same claim. Accordingly, Applicants are in compliance with 35 U.S.C. § 121 and believe the present application is now in condition for allowance. An early notice in this regard is earnestly solicited. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. § 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date

July 12, 2002

By

Stephen B. Maebius

FOLEY & LARDNER

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VERSION WITH MARKINGS SHOWING CHANGES MADE

12. (Twice Amended) A recombinant plant genome comprising at least one chicory gene and [a nucleotide sequence conferring male sterility borne by a sunflower orf 522 sequence or by] a male-sterility-conferring sequence with at least 50% homology with the sunflower orf 522 sequence, wherein [said sunflower orf 522 sequence or] said male-sterility-conferring sequence comprises polynucleotide sequences having the sequence shown in SEQ ID NOS:1 and 2.